

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

KENITRA EZI

PLAINTIFF

v.

CIVIL ACTION NO. 2:24-cv-8-TBM-RPM

WEST JASPER SCHOOL DISTRICT *et al.*

DEFENDANTS

ORDER

This matter came before the Court on Defendants'—West Jasper School District, Christy Holifield, Wade Hosey, Debbie Smith, and Jefferson Hughes—Motion to Dismiss [5] filed on May 15, 2024. Pursuant to Plaintiff's Amended Complaint [17] filed on June 27, 2024, the Court finds that Defendants' Motion to Dismiss [5] is MOOT.

The Amended Complaint [17] renders the original complaint [1] of no legal effect because the Amended Complaint does not refer to, adopt, or incorporate by reference the original Complaint. *King v. Dogan*, 31 F.3d 344, 346 (5th Cir. 1994) (finding that an amended complaint supersedes the original complaint and renders it of no legal effect unless the amended complaint specifically refers to and adopts or incorporates by reference the earlier pleading.”). Therefore, the pending Motion to Dismiss [5] based on the original complaint is moot. See *New Orleans Association of Cemetery Tour Guides and Companies v. New Orleans Archdiocesan Cemeteries*, 56 F.4th 1026, 1034 (5th Cir. 2023) (“Because the first amended complaint is nullified, we cannot consider—and thus must dismiss—an appeal . . . stemming from said complaint.”).

IT IS THEREFORE ORDERED AND ADJUDGED that the Defendants' Motion to Dismiss [5] is MOOT.

This, the 30th day of July, 2024.



TAYLOR B. MCNEEL
UNITED STATES DISTRICT JUDGE